

From: [Estrada, Fabiola](#)
To: [Hopkins, Yvette](#); [Lim, Ekho](#); [Magnan, Eric](#); [Miller, Robert](#); [Stauffer, Panah](#); [TenBrook, Patti](#); [Wilcoxon, Katy](#)
Subject: FW: 24-SUT-17 Closing Report
Date: Monday, February 05, 2018 3:02:43 PM
Attachments: [24-SUT-17 Closing Report.pdf](#)

From: Bastura, Sidney@CDPR [mailto:Sidney.Bastura@cdpr.ca.gov]
Sent: Wednesday, January 31, 2018 6:11 AM
To: CDPR-Priority Closing <PriorityClosing@cdpr.ca.gov>
Cc: Herbert, Lisa <lherbert2@co.sutter.ca.us>; sbowden <sbowden@co.sutter.ca.us>
Subject: 24-SUT-17 Closing Report

On February 24, 2017, Sutter Butte Dusters, a licensed pest control business, made an aerial application of GlyStar Plus to fallow tomato fields. On April 5, 2017, Sutter county Agricultural Commissioner's (CAC) office received a Report of Loss, Nonperformance or Damage Report from a neighboring almond grower. Sutter CAC collected samples from the almond orchard and adjacent peach orchards, and found evidence of glyphosate, the active ingredient in GlyStar Plus. -001

Enforcement action is pending in the form of a Notice of Proposed Action (NOPA) to Sutter Butte Dusters. The investigation is now closed.

Sidney Bastura
Environmental Scientist
Department of Pesticide Regulation
Enforcement Branch
916-376-8699
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STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE EPISODE CLOSING REPORT

DPR-ENF-065 (REV. 03/14)
PAGE 1 OF 2

AMENDED? ☐ YES ☒ NO

PAGE 1 OF 2

DPR ENFORCEMENT BRANCH
1001 I STREET, P.O. BOX 4015
SACRAMENTO, CALIFORNIA 95812-4015
www.cdpr.ca.gov

PRIORITY EPISODE NUMBER 24-SUT-17	NOTIFICATION DATE 04/17/2017	DATE OF OCCURRENCE 02/03/2017
BRAND NAME OF PESTICIDE/ACTIVE INGREDIENT	REGISTRATION NUMBER FROM LABEL	RESTRICTED USE?
GlyStar Plus/Glyphosate	42750-61	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN
		<input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNKNOWN

SUMMARY OF FINDINGS (Continue on page 2, if necessary):

On February 24, 2017 at approximately 10:00 am, Sutter Butte Dusters, a licensed pest control business, made an aerial application of GlyStar Plus to Wallace Bros. fallow tomato fields. On March 21, 2017, Sutter CAC took samples from [REDACTED] almonds as well as surrounding almond orchards and a peach orchard. Gradient samples were taken from a nearby wheat field, where the applicator was turning around, confirmed glyphosate damage. Samples also came back positive for glyphosate on both of the orchards.

On April 5, 2017, Sutter County Agricultural Commissioner's (CAC) office received Report of Loss (PR-ENF-008) from [REDACTED] from [REDACTED] for damage to 230 acres of almonds possibly from a pre-plant application to a tomato processing field across the street. All involved parties have been interviewed, weather and pesticide use report data have been evaluated. The investigation is now closed; enforcement action is pending in the form of a Notice of Proposed Action (NOPA) for Sutter Butte Dusters.

Personal privacy information

STATE OF CALIFORNIA
DEPARTMENT OF PESTICIDE REGULATION
PESTICIDE EPISODE CLOSING REPORT

DPR-ENF-055 (REV. 03/14) (REVERSE)
PAGE 2 OF 2

PAGE 2 OF 2

DPR ENFORCEMENT BRANCH
1001 I STREET, P.O. BOX 4015
SACRAMENTO, CALIFORNIA 95812-4015
www.cdpr.ca.gov

PRIORITY EPISODE NUMBER

24-SUT-17

NOTIFICATION DATE

04/17/2017

DATE OF OCCURRENCE

02/03/2017

SUMMARY OF FINDINGS, CONTINUED (Continue on supplemental form DPR-ENF-116, if necessary):

N/A

ADMINISTRATIVE CIVIL PENALTY DETAILS (See CA Pesticide Priority Episode Handling Manual):

Sutter Butte Dusters - NOPA (Class B)

FAC 12973: The use of any pesticide shall not conflict with labeling registered pursuant to this chapter which is delivered with the pesticide or with any additional limitations applicable to the conditions of any permit issued by the director or commissioner.

3 CCR 6614: An applicator prior to and while applying a pesticide shall evaluate the equipment to be used, meteorological conditions, the property to be treated, and surrounding properties to determine the likelihood of harm or damage.

OTHER ENFORCEMENT ACTION:

☐ COMPLIANCE ACTION: N/A

☐ REFERRAL: N/A

☐ PENDING: N/A

INVESTIGATION CONSIDERATIONS / IMPACTS / EFFECTS:

PUBLIC HEALTH	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
GROUND WATER	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
WORKER HEALTH AND SAFETY	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
ENDANGERED SPECIES	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
PRODUCT REGISTRATION	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A
CANCELLED / SUSPENDED PESTICIDE	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input checked="" type="checkbox"/> N/A

AGENCY NOTIFICATION

U.S. EPA: Ms. Fabiola Estrada

CAC: Ms. Lisa Herbert

DIR: Ms. Amalia Neidhardt

CDPH: Dr. Justine Weinberg

OEHHA: Dr. William Ngai, Dr. James Nakashima

CalEPA:

OTHER: Mr. Scott Bowden

OTHER:

DATE SENT: 1/30/2018

DPR ROUTING:

Benson, Cuevas, Everett, Fadipe, Ford, Frenkel, Guerra, Hughes, James, Kintz, Lopez, Marade, Marciano, McCarthy, Motakef, Naef, Ogawa, Oriel, Perez, Richmond, Ross, Sarracino, Solari, Thalken, Verder-Carlos

010518

REPORT PREPARED BY

Sidney Bastura

TELEPHONE NUMBER (Include Area Code)

916-376-8699

DATE

1/30/2017

DPR R.O. MANAGER'S SIGNATURE

TELEPHONE NUMBER (Include Area Code)

916-376-8699

DATE

1/30/18